

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-00107-MR

WILLIAM AVERY, )  
Plaintiff, )  
vs. )  
KILOLO KIJAKAZI, Acting )  
Commissioner of Social Security, )  
Defendant. )

ORDER OF REMAND

**THIS MATTER** is before the Court on the Defendant's Consent Motion for Remand. [Doc. 10].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings. [Doc. 10]. The Plaintiff consents to the Defendant’s Motion. [Id.]. For the reasons stated in the Defendant’s motion, and in light of the Plaintiff’s

consent, the Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

**IT IS, THEREFORE, ORDERED** that the Defendant's Consent Motion for Remand [Doc. 10] is **GRANTED**.

**IT IS FURTHER ORDERED** that, pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), the decision of the Commissioner of Social Security is hereby **REVERSED**, and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: August 29, 2023



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Martin Reidinger  
Chief United States District Judge

